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FILED ELECTRONICALLY
ORIGINAL BY HAND

The Honorable Sue L. Robinson
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801-3570

Re: *Cyberfone Sys. LLC v. Cellco Partnership*, C. A. No. 11-827 (SLR)
(and related CyberFone cases)

Dear Judge Robinson:

I write on behalf of plaintiff Cyberfone Systems, LLC. At the status conference held on May 15, 2012, the Court granted certain defendants permission to file an early summary judgment motion, adopted a briefing schedule for that motion, and set oral argument on that motion for July 26, 2012 at 3:00 p.m.

During the status conference, my colleague Bruce Kuyper informed the Court that his partner Marc Fenster (not present that day) would make the oral argument on Cyberfone's behalf and had a trial scheduled in Texas during the first part of August and that he would "be in pretrial" in July.

Mr. Fenster must attend a pretrial conference in Texas on July 26, and so CyberFone requests a different date for oral argument in this case. The parties have conferred and it appears that July 23 and July 31 are available dates for the attorneys who will argue this motion. CyberFone's first request would be to reschedule argument to one of those dates. Defendants state that they also are available any time during the week of July 23, as well as July 30-31. If neither of those dates is available, then Cyberfone requests the Court to reschedule oral argument for the week of August 20, 2012 in order to accommodate the schedule of Mr. Fenster, Cyberfone's lead counsel who will argue the motion. Defendants oppose moving the date that late, and observe that when Mr. Kuyper suggested a late August date during the May 15 status conference, the Court responded: "That's just pushing that awfully far out," and scheduled the July 26 argument date. Defendants request that argument go forward sometime in July, as

discussed at the status conference, to facilitate early resolution of the motion, which impacts nearly 80 defendants. Cyberfone's only caveat is that it should not be deprived of its counsel's services on this important motion just to advance the hearing date by a month when Defendants have already won the right to advance the date to file a summary judgment motion by more than a full year.

Representative counsel are available to discuss this with the Court if necessary.

Respectfully submitted,

/s/ Richard D. Kirk

Richard D. Kirk (rk0922)

cc: Karen Jacobs Loudon, Esquire
All other counsel